

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCAL 210 HEALTH AND INSURANCE FUND,	:
LOCAL 210 PENSION FUND, LOCAL 210	:
SCHOLARSHIP AND EDUCATION FUND,	:
AND LOCAL 210 ANNUITY FUND,	:
	<u>AFFIDAVIT IN SUPPORT</u>
	<u>OF DEFAULT</u>
Plaintiffs,	:
	: DOCKET NO. 07-CV-7189
	: (VM)
-against-	:
GUILD PLATERS, INC.	:
	:
Defendant.	:
-----X	

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

IRA A. STURM, being duly sworn deposes and says:

1. I am a partner in the law firm of Raab, Sturm & Goldman, attorneys for Plaintiff, Local 210 Health and Insurance Fund, Local 210 Pension Fund, Local 210 Scholarship and Education Fund and Local 210 Annuity Fund, herein collectively referred to as the "Funds." This affidavit is submitted in compliance with the Default Procedures of United States District Judge Victor Marrero and pursuant to Local Rules 55.1 and 55.2 (a) in support of the Funds motion for granting summary judgement on default. The facts set both herein are based upon my direct knowledge, except where stated to be upon information and behalf, and as to said facts, same are believed to be true.
2. The underlying Complaint (Copies of the Summons and Complaint are annexed hereto as Exhibit "A") alleged that Guild Platers, Inc. ("Defendant Guild") violated the

Employee Retirement Income Security Act (29 USC § 1132(a)(3) and 1145), (hereinafter referred to as “ERISA”), by not making timely contributions of monies owed to the Funds. The Complaint also included claims against Robert Andris, (“Defendant Andris”), as he personally guaranteed the debts of Defendant Guild in this matter.

3. The Complaint at paragraphs 8 through 14, sets forth the history of the Funds’ attempts to obtain payment and resolve the obligations. Unfortunately, Defendant Andris and Defendant Guild, jointly referred to as “Defendnats,” defaulted in their obligations to the Funds.
4. Pursuant to an Order of the Court entered on October 3, 2006, Defendants became obligated to make periodic payments to the Funds (a Copy of the October 3, 2006 Order filed under Docket No. 04-CV-316(VM) is annexed hereto as Exhibit “B”). Defendants defaulted in their obligations and failed to cure the defects notwithstanding timely notice from the Funds.
5. Defendants Andris and Defendant Guild each executed confessions of judgment in favor of the Funds (Copies of the Confessions of Judgment are annexed hereto as Exhibits “C” and “D”).
6. Pursuant to the Order (Exhibit “B”), service of process in connection with the enforcement of the underlying settlement (see Paragraph 7), could be made by “regular mail sent to Robert Andris, 195 Duke Street, Louisa, Virginia, 23093”.
7. Copies of the Summons and Complaint were mailed to Defendants on August 15, 2007, resulting in service on August 16, 2007. Answers were due September 5, 2007. No answers have been filed and the time to file answers by Defendants has expired.

(A Copy of the Affidavit of Service is annexed hereto as Exhibit "E"). In addition, Defendant Guild was served on October 4, 2007 by service upon the New York State secretary of State. (A copy of the affidavit of service is annexed hereto as Exhibit "F.")

8. Pursuant to the Order (Exhibit "B"), the Defendants consented to the jurisdiction of the United States District Court for the Southern District of New York. Moreover, pursuant to Section 502 (e)(2) or ERISA (29 USC § 1132 (e) (2)), venue lies in the Southern District of New York, as the Funds' office is located within said district. Service may be made on the Defendants in any other district in which they may be found pursuant to Section 502 (e)(2) of ERISA.
9. This affiant represents that Defendant Andris is not an infant nor an incompetent, Nor is Defendant Andris in the military.
10. This affiant further represents that on September 26, 2007, this affiant sent Defendants a letter warning them that a default would be sought if answers were not filed. (A Copy of the letter is annexed hereto as Exhibit "G").
11. Annexed hereto as Exhibit "H" is the Clerk's certification of default.
12. The Confession of Judgment (Exhibit "C" and "D") are in the amounts of \$209,448.00. Defendants have paid the Funds the total sum of \$9,000.00 against the judgments. The Funds therefore demand judgment, jointly and severally, against Defendant Guild Platers, Inc. and Defendant Robert Andris, in the amount of \$200,448.00 plus interest, costs and disbursements. (A copy of a proposed judgment is annexed hereto as Exhibit "I".

WHEREFORE, the Funds request the entry of Default and the entry of the annexed judgment

against Defendants.



IRA A. STURM

Sworn to before me
this 19th October 2007


Ari Ganchrow
NOTARY PUBLIC

ARI GANCHROW
Notary Public, State of New York
No. 02GAB129583
Qualified in New York County
Commission Expires June 27, 2009